



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,585	04/20/2001	Yoshihiro Ueda	31869-170959	9162

26694 7590 04/20/2005

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

CZEKAJ, DAVID J

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,585

Applicant(s)

UEDA ET AL.

Examiner

Dave Czekaj

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 5-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 5-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (6384749).

Regarding claim 1, Park discloses an apparatus that relates to a digital video coding method (Park: column 1, lines 6-8). This apparatus comprises "estimating contents of the stream header from contents of the units" (Park: column 4, lines 50-55, wherein the units are the GFID fields, the stream header is the picture header), "generating estimated stream-header information" (Park: column 4, lines 50-55, wherein the estimation generates the information), and "decoding the units according to the estimated stream header information" (Park: column 4, lines 50-55, wherein decoding is performed based on the estimated values). Although Park fails to disclose decoding the units using the estimated information before the stream header is received, Park does disclose using the estimated information when the header is lost. The examiner notes that since the header is lost, the decoding is subsequently performed before the header is received using the estimated information. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to

implement the decoding before the header is received in order to obtain an apparatus that operates more efficiently by being able to start the decoding process at an earlier time.

Regarding claim 3, Park discloses "checking the decoding units for errors" (Park: column 8, lines 26-41, wherein the checking is the comparison of the GFID values) and "modifying the estimated stream-header information when a decoding error is found" (Park: column 8, lines 26-41, wherein the decoding error is the determination that the current frame's GFID value is different from the next frames GFID value, the modifying is outputting the current picture header indication signal).

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park (6384749) in view of Khayrallah et al. (5745502), (hereinafter referred to as "Khayrallah").

Regarding claim 4, note the examiners rejection for claim 1, and in addition, claim 4 differs from claim 1 in that claim 4 further requires decoding a single unit repeatedly if a decoding error is found and modifying the header each time. Khayrallah teaches that prior art error checking schemes fully optimize channel throughput and efficiency (Khayrallah: column 1, lines 60-63). To help alleviate this problem Khayrallah discloses "decoding a single unit repeatedly if an error is found and modifying the header each time a unit is decoded" (Khayrallah: figures 3A-3B and 7A-7B, column 7, lines 5-39, wherein the repeatability is the storing of the packets in the buffer until there is no error, the

Art Unit: 2613

modification of the header occurs when the packet pairs are switched thus changing the content of the packet and subsequently the header). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Park and add the error correction taught by Khayrallah in order to obtain an apparatus that operates more efficiently by correcting errors before packets are transmitted/displayed.

Allowable Subject Matter

4. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-6647061	11-2003	Panusopone et al.
US-5745524	04-1998	Hull, Andrew William
US-5870521	02-1999	Shimoda, Kenji
US-5907660	05-1999	Inoue et al.
US-5926573	07-1999	Kim et al.
US-6331829	12-2001	Kawai, Takahiro
US-6597741	07-2003	Miyazaki, Takashi

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


CHRIS KELLEY
SUPERVISORY PATENT EXAMINER
ELECTRONIC BUSINESS CENTER 2600